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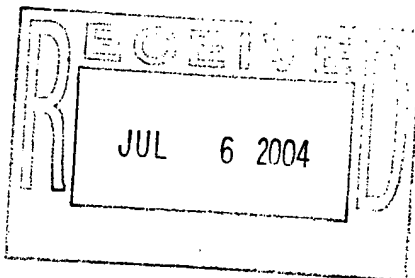
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,135	10/26/2000	Gregory L. Slaughter	5181-70100	7892

09/693,682
7590

07/01/2004

Robert C Kowert
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Austin, TX 78767-0398



EXAMINER

LAO, SUE X

ART UNIT	PAPER NUMBER
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2126

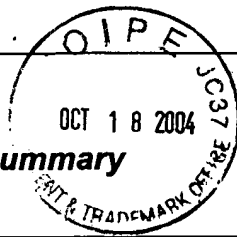
DATE MAILED: 07/01/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Atty Dkt#: _____ Atty: _____
Transferred ☐ Due Date: _____
Action: 30 Day ☐ 1 Mo. ☐ 2 Mo. ☐
3 Mo. ☒ Final Action ☐ Advy Action ☐
Ntc of Allow ☐ Drawings ☐ Issue Fee ☐
Other: _____
Docketed: _____

Office Action Summary



Application No.

09/696,135

Applicant(s)

SLAUGHTER ET AL.

Examiner

S. Lao

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

**Notice of References Cited**

Application/Control No.

09/696,135

Applicant(s)/Patent Under
Reexamination
SLAUGHTER ET AL.

Examiner

S. Lao

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U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,544,320	08-1996	Konrad, Allan M.	709/203
	B	US-5,649,186	07-1997	Ferguson, Gregory J.	707/10
	C	US-6,073,142	06-2000	Geiger et al.	715/500
	D	US-6,202,089	03-2001	Juster, Doron	709/219
	E	US-6,643,650	11-2003	Slaughter et al.	707/10
	F	US-2003/0023628	01-2003	Girardot et al.	707/513
	G	US-2003/0233395	12-2003	Cherian et al.	709/200
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-75 are presented for examination.

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-5, 11, 13-24, 28-34, 41-51, 55-57 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claims 1-46 of U.S. Patent No. 6,643,650 to Slaughter et al. Although the conflicting claims are not identical, they are not patentably distinct from each other. For example, as to claim 1, Slaughter teaches a method for communicating in a distributed computing environment, comprising: receiving a first message (lookup message) in a data representation language from a first source (client) to be sent to a destination (service), wherein the first message is one of an ordered set of messages (set of) receivable by the destination and described in a data representation language schema (expressed in data representation language) (claim 1, lines 2-9); verifying a sequence of the first message in the ordered set of messages receivable by the destination according to the data representation language schema (match, meet desired characteristics) (claim 1, lines 10-14); sending the first message to the destination if the first message is in sequence (event notification message, claim 45, lines 7-9, response message, claim 1, lines 14-16); and not sending the first message to the destination if the first message is not in sequence (event notification message, claim 45, lines 7-9) [It is noted that event notifications typically signal outcome of an event such as successful or unsuccessful.]. As to claims 2, 3, note discussion of claim 1 (event notification message) and message resend/retry is well known. As to claim 4, Slaughter teaches message conductor (logic of claim 1 of Slaughter). As to claims 5, 11, Slaughter teaches client (client, claim 1, line 2). As to claims 13, 41, note discussion of claim 12 and Slaughter teaches resources (service). As to claims 14, 42, note discussion of claim 1, and it would have been obvious for Slaughter to process multiple messages, including a second message, in the same manner as discussed for claim 1. As to claims 15, 28, 43, 55, Slaughter teaches receiving the data representation language schema, wherein the data representation language schema defines a message sequence interface for accessing the service (claim 4, lines 2-5); and generating a message conductor for the client according to the data representation language schema, wherein said receiving a first message and said verifying a sequence are performed by the message conductor for the client (program product version of claim 1, ie, claim 23). As to claims 16, 17, 29, 30, 44, 45, 56, 57,

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Slaughter teaches service advertisement (advertisement, claim 1) and XML (XML, claim 10). As to claim 18, it is covered by claim 1 and thus note discussion of claim 1. Further, it would have been obvious for Slaughter to process multiple messages in the same manner as discussed for claim 1. As to claims 19, 20, 47, 48, note discussion of claim 5 and Slaughter teaches performing one or more functions and results (service, which typically leads to results). As to claims 21, 49, Slaughter teaches one or more response messages in the data representation language (response message, claim 1, lines 14-16; claim 11). As to claims 22, 23, 24, 50, 51, note discussion of claim 1 and Slaughter further teaches displaying results data (response in XML which typically presents results/data on a GUI). Storing data to be displayed is well known (display buffer). As to claim 31, note discussion of claims 1 and 4. As to claims 32-34, note discussion of claims 2, 3, 5, respectively. As to claim 46, note discussion of claim 1 and it is noted that the combined functions of receiving, verifying and sending provides a service interface to the client.

5. Claims 6-8, 12, 25-27, 35-37, 40, 52-54 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claims 1-46 of U.S. Patent No. 6,643,650 to Slaughter et al in view of Konrad (U S Pat. 5,544,320). As to claims 6-8, 12, 25-27, Konrad teaches client-server-service models, wherein client, server and service can be co-located with one another (col. 4, line 43 – col. 5, line 12). Therefore, it would have been obvious to locate the message conductor with the client (including downloaded to client), or with the service. As to claims 35-37, 40, note discussion of claims 6-8, respectively. As to claims 52-54, note discussion of claims 6-8, respectively.

6. Claims 9, 10, 38, 39 are rejected under the judicially created doctrine of obviousness - type double patenting as being unpatentable over claims 1-46 of U.S. Patent No. 6,643,650 to Slaughter et al in view of Juster (U S Pat. 6,202,089). As to claims 9, 10, Slaughter teaches verifying (claim 1) and Juster teaches communicating messages via message endpoints (RPC endpoints) (col. 2, lines 3-26). One of ordinary

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skill in the art would have been motivated to use the teaching of Juster with Slaughter because this would have provided dynamically configurability of the endpoints. As to claims 38, 39, note discussion of claims 9 and 10, respectively.

7. As to claims 58-66, these are the program product claims of claims 1, 2, 4, (5 and 6), (5 and 8), 9, 14, 15 and 17, thus note the respective claims for discussions/rejections.

As to claims 67-75, these are the program product claims of claims 18-20, 23-25, 27-29, thus note the respective claims for discussions/rejections.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (703) 305 9678. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao



June 25, 2004